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Mr. Mary Jane Norville
King & Spalding
2500 Trust Company Tower
Atlanta, GA 30303

Re: Delay in Submitting Draft Remedial Investigation Report
for the Medley Farms Superfund Site

Dear Ms. Norville:

The intent of this letter is to establish a chronology of events/communications to date and to inform the Potentially Responsible Parties (PRPs) that the Agency will pursue stipulated penalties if the need arises. In three separate telephone calls between myself and either yourself or Jim Chamness of Sirrine Environmental Consultants (SEC), the PRPs informed the Agency that Radian Laboratories was not turning around the analytical data on environmental samples collected from the Medley Farm site as quickly as promised. Both yourself and Jim highlighted the potential delay and impact this may have on the PRPs submitting the Remedial Investigation (RI) report, Risk Assessment, and Feasibility Study (FS) as scheduled. These telephone calls were made on November 9, November 14, and November 26.

Based on our conversations, it is my understanding that Radian Laboratories was to have submitted all of the CLP data packages to SEC by Friday, November 16, 1990. SEC stressed the importance of having this CLP data package as they had identified several inconsistencies in the preliminary data submitted to SEC by Radian on November 15, 1990. During our conversation yesterday, it was stated that the latest SEC expected to receive all the CLP data packages from Radian Laboratories is Thursday, November 29, 1990.

Your letter of November 21, 1990 partially satisfies the prerequisites of the first paragraph of Section XIII. DELAY IN PERFORMANCE/STIPULATED PENALTIES of the Unilateral Administrative Order (UAO), dated January 29, 1988. The other information conveyed during our conversations needs to be submitted in writing. Specifically, the anticipated length of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and the timetable by which the PRPs intend

to implement these measures. This needs to be done within the ten calendar days as specified in the paragraph referenced above.

Also stated in the first paragraph of Section XIII of the UAO, "the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances." Therefore, the PRPs must notify the Agency the day the CLP data packages are delivered to either SEC or the PRPs. The date of this day will then be used to calculate the due date for the draft (preliminary) RI report. Failure to submit the draft RI to the Agency by this date will result in the Agency pursuing stipulated penalties.

By complying with the language in the UAO cited above, the RI and FS should be completed in a timely fashion. This additional time will allow SEC and the PRPs to submit well written documents that accurately reflects the present conditions at the Medley Farm site.

If you have any questions, please feel free to contact me at 347-7791.

Sincerely yours,

Jon K. Bornholm
Remedial Project Manager

cc: Elaine Levine, EPA
Keith Lindler, SCDHEC
Jan Rogers, EPA
Gary Stewart, SCDHEC

IBM MEDLEY FARM MM DISK, FILE: DELAYRI, DRAFT + FINAL 11/27/90

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